

REMARKS

The undersigned attorney wishes to thank Primary Examiner O'Sullivan for the courtesy and helpful comments extending during their interview of this case.

Claim 25 has been amended. No new matter has been added by virtue of the amendment. The amendment also was discussed at the interview.

It is also believed the amendment may be properly entered at this time, i.e. after final rejection, because the amendment does not raise any new issues or require a new search, and it reduces issues for appeal. As mentioned, the amendment was discussed at the interview. Entry of the amendment at this time is earnestly solicited.

Claims 25-27 and 29-31 were rejected under 35 U.S.C. 103 over Douglas (U.S. Patent 4,393,077). The rejection is traversed.

Applicants' claims recite guanidine compounds that include a guanidine moiety with *two* primary amino or unsubstituted imine (e.g. -NH₂ or =NH) groups, and the other nitrogen is di-substituted by carbocyclic aryl, aralkyl, or a heteroaromatic or heteroalicyclic group.

The entire thrust of the Douglas document is to certain 1,3-disubstituted compounds, i.e. each of the amino nitrogens has at least one non-hydrogen substituent. See, for instance, Douglas at columns 7 through 10. Other named compounds of Douglas do not overlap with Applicants' claims.

The broad genus reported by Douglas also is not properly relied upon to substantiate the instant rejection. This is made clear e.g. by Section 2144.08 of the Manual of Patent Examining Procedure, which states in part:

The fact that a claimed species or subgenus is encompassed by a prior art genus is not sufficient by itself to establish a *prima facie* case of obviousness.

* * *

Similarly, consider any teaching or suggestion in the reference of a preferred species or subgenus that is significantly different in structure from the claimed species or subgenus. Such a teaching may weigh against selecting the claimed species or subgenus and thus against a determination of obviousness.

Reconsideration and withdrawal of the rejection are therefore requested.

Claims 25-27 and 29-31 were rejected under 35 U.S.C. 103 over Weber et al. (U.S. Patent 5,190,976) taken with Durant et al. (U.S. Patent 6,013,675) and Durant et al. (U.S. Patent 6,153,604). The rejection is traversed.

As discussed, the pending claims call for guanidine compounds that include a guanidine moiety with *two* primary amino or unsubstituted imine (e.g. $-NH_2$ or $=NH$) groups.

The cited documents do not specifically disclose such compounds. The compounds named in the cited documents have one primary amino or unsubstituted imine group of a guanidine moiety.

Such structural differences make clear that a *prima facie* case under Section 103 does not exist here.

In view thereof, reconsideration and withdrawal of the rejection are requested.

Goldin et al.
U.S.S.N. 09/637,512
Page 7

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



Peter F. Corless (Reg. No. 38,360)
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
Tel: (617) 439-4444
Fax: (617) 439-4170